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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92051279
Party	Defendant Oeding, Norm
Correspondence Address	Oeding, Norm 15076 NW 180th St Newton, KS 67114 UNITED STATES
Submission	Answer
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Signature	/Norm Oeding/
Date	09/04/2009
Attachments	USPTO Answer 9-4-9 (1).pdf (3 pages)(10750 bytes) USPTO Cert 9-4-9 (1).pdf (1 page)(2349 bytes)

September 4, 2009

In the matter of trademark Registration No. 3,614,763
For the mark LITTLE RED HEN BAKERY
Date registered May 5, 2009
International Class 30

Cancellation No. 92051279
Registration No. 3614763

ANSWER

NORM OEDING,
Registrant

- 1 This is a true and correct statement.
- 2 I have no information as to the validity of RED HEN BREAD LLC, statement of existence and what they produce.
- 3 I have no information confirming this statement.
- 4 I can only confirm the information as it relates to Registration No. 3,614,763. We did in fact, bake and deliver bread, on August 29, 2005. I have no information as to confirm any statement made by RED HEN BREAD LLC.
- 5 I have expended considerable effort and expense in promoting my LITTLE RED HEN BAKERY trademark and the goods sold under such mark, with the result that the purchasing public has come to know, rely upon, and recognize the goods of the registrant by such mark.
- 6 My registered mark contains the term "RED HEN". Just as in the story of 'The Little Red Hen', I grow my wheat from seed that I plant; I take care of that growing crop, then harvest and clean the wheat. I then use a stone mill to grind the wheat into flour and then I deliver the fresh, whole grain flour to my baker, Kelly Dumford of the Bakery Project / Delano Bakery, Wichita Kansas. We have won an award from the Kansas Wheat Commission in 2006 for 'top bread in using hard white wheat flour'!

http://www.kswheat.com/consumerspageid58_festival-of-breads-baking-contest.shtml

In addition, I have been a 'CERTIFIED ORGANIC' farmer since 2000, and I operate under the rules of the National Organic Program (NOP) as administered by the UNITED STATES DEPARTMENT OF AGRICULTURE (USDA).

The flour that we use for LITTLE RED HEN BAKERY bread products is CERTIFIED ORGANIC.

(Next year we hope to add chickens to our mix of farm animals, including "RED HEN's").

From 'plow to plate', 'farm to fork', we live and practice the concepts as told in the storyline of 'The Little Red Hen' with only a minor exception, depending which version

you read. ('The Little Red Hen' actually took the wheat to be milled, then did the baking herself.)

Because we do follow the basic story line, we are able to produce very high quality flour, and produce some of the best bread available in the Wichita KS area!

My baker, Kelly Dumford is one of the best bakers in KANSAS, and is highly respected by his peers. He also bakes a wide variety of bread product for many other clients in the Wichita Ks area.

We know of no other commercial entity in the world that is baking bread from wheat they grow themselves.

We also offer 100 % Grass Fed Beef from our farm. Our 'hamburger KIT' consists of 2 # of our burger and an 8-pack of our burger buns, (some assembly required).

We are the 'Little Red Hen' and believe that she would be quite happy with our concepts and marketing plan.

We also share our bread with friends, business associates, those that assist with our product and those in need.

Our clients appreciate the work we do and know that they will receive the freshest, most wholesome bread product available.

7 This is a true and correct statement.

8 The only confusion that exists is being generated by RED HEN BREAD LLC.

LITTLE RED HEN BAKERY has no present intention to sell our product in the Chicago IL market.

I have received no concerns from my clients as to the knowledge of RED HEN BREAD LLC.

Therefore, I suggest the allegation brought about by RED HEN BREAD LLC, 'likely to cause confusion, or to cause mistake or to deceive,' is baseless, ludicrous, arbitrary and capricious.

9 The names of our products are different enough that I doubt there would be any confusion by purchasers of our respective products.

RED HEN BREAD LLC has offered no connection to any "Red Hen" other than using a name from a story that has been told for generations.

As such, RED HEN BREAD LLC, is riding on the goodwill of its purchasing public and could be considered to be deceiving the purchasing public by a perceived connection to the story line of 'The Little Red Hen'.

RED HEN BREAD LLC, has much opportunity to cause damage to LITTLE RED HEN BAKERY, because of their potentially misleading business practices. Any defect, objection or fault found with RED HEN BREAD LLC, goods, marketed under it's mark, could necessarily reflect upon and seriously injure the reputation which the LITTLE RED HEN BAKERY has established for its products.

10 The continued allegation by RED HEN BREAD LLC, casts a cloud upon LITTLE RED

HEN BAKERY's right to continue to use and expand the use of it's rightfully granted trademark, U.S. Registration No. 3,614,763, all to the great injury of LITTLE RED HEN BAKERY.

WHEREFORE, Registrant deems that it is or will be damaged by RED HEN BREAD LLC actions and requests that the 'petition to cancel' be terminated.

Respectfully submitted,
LITTLE RED HEN BAKERY
By: Norm Oeding

Norm Oeding
15076 NW 180th St
Newton Ks 67114

DATE: September 4, 2009

CERTIFICATE OF SERVICE

I hereby certify that true and complete copy of the foregoing ANSWER was served upon Petitioner, by forwarding same via First Class Mail, postage prepaid, to Kathryn Jennison Shultz, Crystal Plaza #1, Suite 1102, 2001 Jefferson Davis Highway, Arlington, Virginia, 22202, this 4th day of September, 2009.

Norm Oeding